

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MAURICE ROGERS,

Plaintiff(s)

VS.

HARRY RUSSELL,

Defendant(s)

.....

Case Number: C-1-02-79

District Judge Susan J. Dlott

## ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Jack Sherman, Jr. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 6, 2003 Report and Recommendations (Doc. 6). Subsequently, the defendant filed objections to such Report and Recommendations.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

IT IS ORDERED AND ADJUDGED THAT respondent's motion to dismiss

(Doc. 4) is hereby GRANTED with respect to Grounds One through Three of the petition and DENIED with respect to Ground Four of the petition.

IT IS FURTHER ORDERED AND ADJUDGED THAT Grounds One through Three of petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 are hereby DISMISSED with prejudice on the ground that they are barred from review under the one-year statute of limitations set forth in 28 U.S.C. § 2244(d).

IT IS SO ORDERED.

\_\_\_\_s/Susan J. Dlott\_\_\_\_  
Susan J. Dlott  
United States District Judge